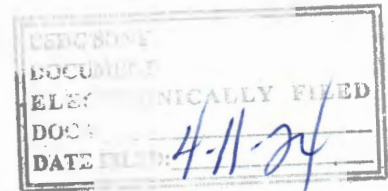


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,



-against-

09-cr-723-06 (LAK)

JOSE MOSQUERA-PRADO,

Defendant.
----- X

ORDER

LEWIS A. KAPLAN, *District Judge*.

Before the Court is defendant's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2).

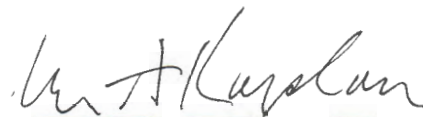
On January 9, 2013, the defendant was sentenced principally to a term of imprisonment of 280 months. On February 27, 2024, defendant moved for a reduction of sentence. On April 1, 2024, the Probation Office completed a Supplemental Presentence Report indicating that the defendant is not eligible for a sentence reduction under the terms of Amendment 821.

The Court has considered the record in this case and the submissions of the parties and the Probation Office. The Court finds that the defendant is ineligible for a sentence reduction under Amendment 821 to the Sentencing Guidelines because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence, and because the defendant possessed a firearm in connection with the offense and served in an aggravating role under § 3B1.1 and thus does not qualify for the zero-point offender reduction.

It is hereby ORDERED that the defendant's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) is denied.

SO ORDERED.

Dated: April 11, 2024

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", is written over a horizontal line.

Lewis A. Kaplan
United States District Judge